

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS :
LIABILITY LITIGATION (No. VI) :
:
CERTAIN PLAINTIFFS : Consolidated Under
: MDL DOCKET NO. 875
v. :
:
CERTAIN DEFENDANTS :

ORDER

Eastern District of Wisconsin

97-cv-0288 Clifford J. Mancoske v. AC&S, Inc., et al.
96-cv-0999 Clifford J. Dorsey v. AC&S, Inc., et al.
92-cv-0494 Harold Rasmussen, Sr. v. Anchor Packing, et al. 09-61094
00-cv-1454 Gerald A. Decker v. AC&S, Inc., et al. 09-60497
92-cv-0493 Robert J. Powers v. Anchor Packing, et al. 09-61079
92-cv-0497 Kenneth T. Shanks v. Anchor Packing, et al. 09-61142
01-cv-0698 Tureda C. Crivello v. AC&S, Inc., et al. 09-60526
00-cv-0056 Boyd T. Lura v. AC&S, Inc., et al.
97-cv-0446 Harry A. Dombeck v. AC&S, Inc., et al. 09-61316
97-cv-1360 Victor E. Weise v. Armstrong, et al. 09-60443
97-cv-0449 Edward J. Nordby v. AC&S, Inc., et al.
94-cv-0216 Lyle R. Hoeft v. Anchor Packing, et al. 09-61478
92-cv-0494 Clyde J. Nagle v. Anchor Packing, et al. 09-61092
94-cv-0165 Jerome D. Centner v. Anchor Packing, et al. 09-60395
98-cv-0320 Robert Binder v. AC&S, Inc., et al.
00-cv-1631 Harold A. Alfter v. AC&S, Inc., et al. 09-60501
00-cv-1566 Ronald E. Bieganski v. AC&S, Inc., et al. 09-60498

Western District of Wisconsin

97-C-0411 Platt O. Welch v. Anchor Packing, et al.
99-C-0475 Oswald F. Suoja v. Owens-Illinois, et al. 09-60256

AND NOW, this 13th day of February 2009, it is hereby

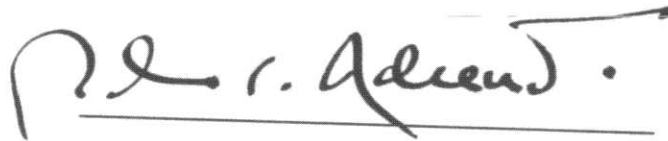
ORDERED that a hearing on Plaintiffs' motion to appoint a special administrator in the captioned cases will be held on Tuesday, March 3, 2009 at 9:00 am in Courtroom 11A, United States Courthouse, 601 Market Street, Philadelphia, PA 19106.

It is further ORDERED that Plaintiffs' counsel should be

FILED
FEB 13 2009
MICHAEL E. KUNZ, Clerk
Deputy Clerk

prepared to argue a rule to show cause why each case should not be dismissed as void ab initio. Each of the cases were originally filed in the name of a Plaintiff who was already deceased. It is a general rule of Wisconsin law that an action at law requires a person or an entity to bring suit. A "deceased [person] cannot be a party to an action." Brickley v. Neuling, 41 N.W.2d 284, 285 (Wis. 1950)). As a consequence, the Court has no jurisdiction and the Court may act by "dismissing the action, or otherwise noticing the defect, at any stage in the proceedings." Id. If Plaintiff can show that their case is not void, the Court will proceed to hear the motion to appoint a special administrator.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Eduardo C. Robreno, J.", written over a horizontal line.

EDUARDO C. ROBRENO, J.